

Canby Public Schools

Independent School District #891
307 First Street West
Canby, Minnesota 56220

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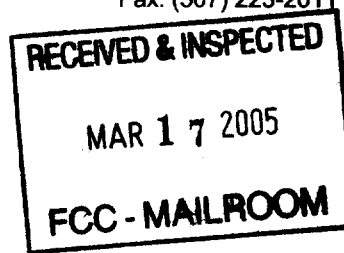
Administration
Loren Hacker
Superintendent of Schools
Telephone (507) 223-2001
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DOCKET FILE COPY DUPLICATE



March 7, 2005

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

This is a letter of appeal for Form 471 - 14927 Funding Request Number 1141724, Form 471 - 401098 Funding Request Number 1098082, and Form 471 - 412330 Funding Request Number 1131925. Please refer to CC **Docket No. 02-6**. I am enclosing copies of the USAC - SLD Administrator's Decision on Appeal for each of these denied services.

The stated reason for denial of service was an uncertified 470 form. I am the new superintendent of Canby Public Schools. Last year I followed the on-line instructions to file form 470. I was led to believe since Canby Public Schools had filed on-line previously, that I could do so as well. When I struggled with this, I called the SLD help-line, (as I did several times during the application process). I was told that I couldn't receive a pin number unless I had a signed and approved Form 471 application. Canby Public Schools had completed Form 471 the previous years(s). After that conversation and reception of the RNL letters, I thought I would be able to complete the total application on-line once I filed Form 471 certification form. I believed I was following the correct procedure and timelines to complete a successful e-rate application for Canby Public Schools.

No where in the instructions was I told that I as a new administrator I could not certify on line. The instructions and help lines only stated if the school did not have a previously approved 471. Canby Public Schools had filed online using previous successfully accepted Form 471's in the past. I believed I was following the correct procedures in good faith. No where in the process, not the instructions, not the on-line help responses, not the telephone help responses did I ever get the impression that I was following the incorrect procedure. That is until I was notified that I did not follow the correct procedure when it was to late. The instructions should expressly state that if you are a new representative for a school or if you are filing for the very first time you need to file strictly by paper to certify you are who you say you are. Even in the instructions for this appeal I was encouraged to file this appeal electronically. I guess I don't understand this blended paperless/paper system well enough to communicate effectively

I am appealing for approval for e-rate funding for Canby Public Schools. We are a small school that clearly qualifies for funding and has qualified in the past. This denial would be a significant economic hardship for our students. A change in the school administration has caused this situation to arise. Because we are a small school and do not have the human resource departments of larger school districts, I complete the forms myself. I believe that the process providing equal access for all service providers interested in providing services to Canby Public Schools internet, telephone and cell phone services was honored. As I told each of the auditors, please provide direction to me so that I may correct this procedure due to what appears to be the result of my naiveté inexperience.

Sincerely,


Loren Hacker
Superintendent

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

February 23, 2005

Loren Hacker
Canby Public Schools
307 First Street West
Canby, MN 56220-1411

Re: Applicant Name: CANBY SCHOOL DISTRICT 891
Billed Entity Number: 133862
Form 471 Application Number: 414927
Funding Request Number(s): 1141724
Your Correspondence Dated: December 15, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1141724
Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of the SLD's decision to deny funding because the Form 470 was not certified. You state that you were led to believe that you could file the Form 470 on-line. You further state that you were told that you could not receive a PIN unless you had a signed and approved Form 471 application. Therefore, you believed that you could complete the application on-line after you filed the Form 471 certification form.
- Upon review of the appeal letter, the relevant facts, and documentation, it has been determined that the Form 470 cited on your Form 471 application was not certified. On August 3, 2004, you confirmed that Form 470 #195370000464652 is the establishing Form 470. You submitted a copy of your Form 470 Receipt Notification Letter and a copy of your "on line" Form 470. Per your August 3,

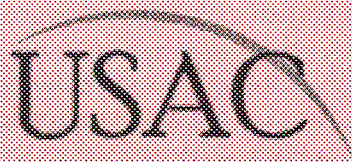
2004 e-mail, you stated that you do not have a "mail record" because you filed the Form 470 online. The Form 470 Notification Letter dated November 3, 2004 states in the first paragraph that "we have NOT received your Block 5 signed certification page, either online or on paper." Also, the copy of the Form 470 you provided online includes a handwritten signature, but no date on the Form 470 Certification page. SLD can not certify a Form 470 without proof that the certification was postmarked within the filing window. It is the responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner. On appeal, you have failed to provide evidence that SLD has erred in its decision.

- SLD denied your funding request(s) because it determined that your Form 470 Certification was not postmarked on or before the close of the filing window on February 4, 2004. Since you have failed to demonstrate that the Form 470 Certification was postmarked on or before February 4, 2004, your appeal is denied
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶ 5 (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification. If the Form 470 Certification is not postmarked by the final date of the filing window, that Form 470 cannot be used to establish the competitive bidding process for any funding requests that cite that Form 470.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

February 23, 2005

Loren Hacker
Canby Public Schools
307 First Street West
Canby, MN 56220-1411

Re: Applicant Name: CANBY SCHOOL DISTRICT 891
Billed Entity Number: 133862
Form 471 Application Number: 401098
Funding Request Number(s): 1098082
Your Correspondence Dated: December 15, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1098082
Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of the SLD's decision to deny funding because the Form 470 was not certified. You state that you were led to believe that you could file the Form 470 on-line. You further state that you were told that you couldn't receive a PIN unless you signed and approved a Form 471 application so you believed that you could complete the application on-line after you filed the Form 471 certification form.
- Upon review of the appeal letter, the relevant facts and documentation, it was determined that the Form 470 cited on your Form 471 application was not certified. On January 20, 2005, SLD requested the establishing Form 470 for Form 471 #401098 FRN 1098082 from you because the referenced Form 470 was not certified. On January 20, 2005, you indicated that referenced Form 470

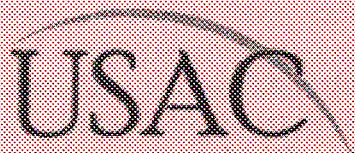
#195370000464652 is the establishing Form 470. You included a copy of your November 3, 2003 Form 470 Receipt Notification Letter that states in the first paragraph that "we have NOT received your Block 5 signed certification page, either online or on paper." Additionally, you clearly state in your appeal letter that all of your attempts to certify this Form 470 were on-line only. SLD can not certify a Form 470 without proof that the certification was postmarked within the filing window. It is the responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner. On appeal, you have failed to provide evidence that SLD has erred in its decision.

- SLD denied your funding request(s) because it determined that your Form 470 Certification was not postmarked on or before the close of the filing window on February 4, 2004. Since you have failed to demonstrate that the Form 470 Certification was postmarked on or before February 4, 2004, your appeal is denied
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶ 5 (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification. If the Form 470 Certification is not postmarked by the final date of the filing window, that Form 470 cannot be used to establish the competitive bidding process for any funding requests that cite that Form 470.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
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Administrator's Decision on Appeal – Funding Year 2004-2005

February 23, 2005

Loren Hacker
Canby Public Schools
307 First Street West
Canby, MN 56220-1411

Re: Applicant Name: CANBY SCHOOL DISTRICT 891
Billed Entity Number: 133862
Form 471 Application Number: 412330
Funding Request Number(s): 1131925
Your Correspondence Dated: December 15, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1131925
Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of the SLD's decision to deny funding because the Form 470 was not certified. You state that you were led to believe that you could file the Form 470 on-line. You further state that you were told that you couldn't receive a PIN unless you had a signed and approved Form 471 application so you believed that you could complete the application on-line after you filed the Form 471 certification form.
- Upon review of the appeal letter, the relevant facts and documentation, it was determined that the Form 470 cited on your Form 471 application was not certified. On October 6, 2004, SLD requested you to provide the establishing Form 470 and proof of mailing the Form 470 certification page for FRN 1131925 from Form 471 #412330. On October 7, 2004, you confirmed that referenced

Form 470 #637310000490673 is the establishing Form 470 and stated that you do not have a "mail record" because you attempted to file the Form 470 online, but you were unable to acquire a PIN. As your certification proof, you sent a copy of the Form 470 Receipt Notification Letter and your security code from the electronic submittal of the Form 470. Your Form 470 Notification Letter states in the first paragraph that "we have NOT received your Block 5 signed certification page, either online or on paper." SLD can not certify a Form 470 without proof that the certification was postmarked within the filing window. It is the responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner. On appeal, you have failed to provide evidence that SLD has erred in its decision.

- SLD denied your funding request(s) because it determined that your Form 470 Certification was not postmarked on or before the close of the filing window on February 4, 2004. Since you have failed to demonstrate that the Form 470 Certification was postmarked on or before February 4, 2004, your appeal is denied
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶ 5 (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification. If the Form 470 Certification is not postmarked by the final date of the filing window, that Form 470 cannot be used to establish the competitive bidding process for any funding requests that cite that Form 470.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
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